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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application

Inventor: Apollon Papadimitriou

Group: 1653

Serial No. 09/853,731, filed May 11, 2001
(Case Docket No. 20619 US)

Examiner: Kam, Chih Min

For: **ERYTHROPOIETIN COMPOSITION**

DECLARATION OF APOLLON PAPADIMITRIOU, Ph.D.
UNDER 37 CFR § 1.132

Nutley, New Jersey 07110
February 5, 2004

Commissioner of Patents
Washington, D.C. 20231

Sir:

I, Apollon Papadimitriou, declare that:

I am the named inventor of the erythropoietin compositions claimed in the instant application Serial No. 09/853,731, filed May 11, 2001.

I am familiar with the pharmaceutical compositions disclosed in US Patent 6,583,272 B1, filed June 27, 2000 to Bailon, specifically formulations A-I presented in Example 8, Table 3. I am the source of the pharmaceutical compositions disclosed in the Bailon '272 patent and am the sole inventor also of these compositions.

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Serial No. 09/853,731

Filed May 11, 2001

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date:

February 5, 2004

Apolon Papadimitriou

Apolon Papadimitriou